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Human Rights - Unfolding of American Tradition.

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HUMAN RIGHTS

Unfolding of the American Tradition

A SELECTION OF DOCUMENTS AND STATEMENTS

*Division of Historical Policy Research • Office of
Public Affairs • Department of State • • 1949*

This project was undertaken at the request of the Division of United Nations Economic and Social Affairs. The compilation was made by Letitia A. Lewis of the Foreign Policy Studies Branch, Division of Historical Policy Research.

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[Unfolding of the American Tradition]
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Foreword

The United States and the other Members of the United Nations have pledged themselves under the Charter of that organization to cooperate in the age-old struggle for the promotion of universal respect for, and observance of, human rights and fundamental freedoms. In this cooperative effort, it is important that we Americans be familiar with our own concepts of human freedom, their origin, and their development. The documents and statements in the present study have been selected with this objective in mind.

When our forebears sailed westward across the Atlantic Ocean to seek a new start in a new land, they brought with them various aims, plans, and aspirations. One hope common to most of them, however, was a fuller freedom for the individual--religious and political. The new national way of life which they founded in the New World represented the fusion of many elements--the teachings of the Holy Bible regarding the worth of every human soul; Greek thought and civilization, in which the elevation of the individual was a prevailing principle; Roman civil law; the philosophic utterances of influential thinkers of East and West; Anglo-Saxon parliamentary government.

In the New World, the early settlers molded this legacy into a way of life characterized by greater stress on the rights of the individual than the world had ever seen. Moreover, they crystallized the protection of these rights into written constitutions, carefully formulated legal assurances, and ironclad limitations on the powers of government.

Each succeeding generation has made its contribution to the body of American thought on fundamental human freedoms, with the result that every American today may look with pride upon the American tradition of individual rights and can rest assured that it forms an important contribution to the outlook of today's and tomorrow's world on human rights.

The materials contained in the present study do not purport to be all-inclusive; nor do the quotations necessarily represent in each case the basic philosophy of the person quoted. Readers seeking additional documentation will find important materials in the annual Yearbook on Human Rights published by the United Nations. These Yearbooks cover law and usage in the various member states. The issues for 1946 and 1947 contain the texts of provisions concerning human rights in the constitutions of the various countries, including the Federal and State Constitutions of the United States.



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Part I

HISTORIC DOCUMENTS

MAGNA CARTA, 1215

Background

The provisions of the Great Charter to which King John of England gave his assent on June 15, 1215 were not original grants of liberties. Practically all of them had their origin in the usages and customs of the Anglo-Saxons. The Magna Carta did, however, give those liberties and rights legal status. While many of the provisions of the Magna Carta pertain to feudal rights and the relations of the king with the barons, the document still stands as a milestone in the development of such concepts as due process of law, trial by jury, freedom from unreasonable searches and seizures, and freedom of movement.

Text

John, by the Grace of God, King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Earl of Anjou, to his Archbishops, Bishops, Abbots, Earls, Barons, Justiciaries, Foresters, Sheriffs, Governors, Officers, and to all Bailiffs, and his faithful subjects,--Greeting.

Know ye, that We, in the presence of God, and for the salvation of our own soul, and of the souls of all our ancestors, and of our heirs, to the honour of God, and the exaltation of the Holy Church and amendment of our Kingdom, by the counsel of our venerable fathers ... and others our liegemen; have in the first place granted to God, and by this our present Charter have confirmed, for us and our heirs forever:--

1. That the English Church shall be free, and shall have her whole rights and her liberties inviolable; ...

We have also granted to all the freemen of our Kingdom, for us and our heirs forever, all the underwritten Liberties, to be enjoyed and held by them and by their heirs, from us and from our heirs. ...

12. No scutage nor aid¹ shall be imposed in our kingdom, unless by the common council of our kingdom; excepting to redeem our person, to make our eldest son a knight, and once to marry our eldest daughter, and not for these, unless a reasonable aid shall be demanded. ...

14. And also to have the common council of the kingdom, we will cause to be summoned the Archbishops, Bishops, Abbots,

¹"Scutage": a tax collected for military expenses. "Aid": a tax paid by a vassal to his lord, in feudal practice.

Earls, and great Barons, individually by our letters. And besides, we will cause to be summoned in general by our Sheriffs and Bailiffs, all those who hold of us in chief,¹ at a certain day, that is to say at the distance of forty days (before their meeting), at the least, and to a certain place; and in all the letters of summons, we will express the cause of the summons; and the summons being thus made, the business shall proceed on the day appointed, according to the counsel of those who shall be present, although all who have been summoned have not come.

15. We will not give leave to any one, for the future, to take an aid of his own free men, except for redeeming his own body, and for making his eldest son a knight, and for marrying once his eldest daughter; and not that unless it be a reasonable aid. ...

17. Common Pleas shall not follow our Court, but shall be held in any certain place. ...

38. No Bailiff, for the future, shall put any man to his law, upon his own simple affirmation, without credible witnesses produced for that purpose.

39. No free-man shall be seized, or imprisoned, or dispossessed, or outlawed, or in any way destroyed; nor will we condemn him, nor will we commit him to prison, excepting by the legal judgment of his peers, or by the laws of the land.

40. To none will we sell, to none will we deny, to none will we delay right or justice.

41. All Merchants shall have safety and security in coming into England, and going out of England, and in staying and in traveling through England, as well by land as by water to buy and sell, without any unjust exactions, according to ancient and right customs, excepting in the time of war, and if they be of a country at war against us: and if such are found in our land at the beginning of a war, they shall be apprehended without injury to their bodies and goods, until it be known to us, or to our Chief Justiciary, how the Merchants of our country are treated who are found in the country at war against us; and if ours be in safety there, the others shall be in safety in our land.

42. It shall be lawful to any person, for the future, to go out of our kingdom, and to return, safely and securely, by land or by water, saving his allegiance to us, unless it be in time of war, for some short space, for the common good of the kingdom:

¹ "Hold of us in chief": hold a whole barony undivided.

excepting prisoners and outlaws, according to the laws of the land, and of the people of the nation at war against us, and Merchants who shall be treated as it is said above. ...

60. Also all these customs and liberties aforesaid, which we have granted to be held in our Kingdom, for so much of it as belongs to us, all our subjects, as well clergy as laity, shall observe towards their tenants as far as concerns them.

61. But since we have granted all these things aforesaid, for God and for the amendment of our kingdom, and for the better extinguishing the discord which has arisen between us and our Barons, we being desirous that these things should possess entire and unshaken stability forever, give and grant to them the security underwritten, namely, that the Barons may elect twenty-five Barons of the kingdom, whom they please, who shall with their whole power, observe, keep, and cause to be observed, the peace and liberties which we have granted to them, and have confirmed by this, our present charter, in this manner; that is to say, if we, or our Justiciary, or our bailiffs or any of our officers, shall have injured any one in anything, or shall have violated any article of the peace or security, and the injury shall have been shown to four of the aforesaid twenty-five Barons, the said four Barons shall come to us, or to our Justiciary if we be out of the kingdom, and making known to us the excess committed, petition that we cause that excess to be redressed without delay. And if we shall not have redressed the excess, or, if we have been out of the kingdom, our Justiciary shall not have redressed it within the term of forty days, computing from the time when it shall have been made known to us, or to our Justiciary, if we have been out of the kingdom, the aforesaid four Barons shall lay that cause before the residue of the twenty-five Barons; and they, the twenty-five Barons, with the community of the whole land, shall distress and harass us by all the ways in which they are able; that is to say, by the taking of our castles, lands and possessions, and by any other means in their power, until the excess shall have been redressed, according to their verdict, saving harmless our person and the persons of our Queen and children, and when it hath been redressed they shall behave to us as they have done before. ...

63. Wherefore our will is, and we firmly command that the Church of England be free, and that the men in our kingdom have and hold the aforesaid liberties, rights and concessions, well and in peace, freely and quietly, fully and entirely, to them and their heirs, of us and our heirs, in all things and places for ever, as is aforesaid. It is also sworn, both on our part and on that of the Barons, that all the aforesaid shall be observed in good faith and without any evil intention. ...

Given by our hand in the Meadow which is called Runningmead, between Windsor and Staines, this 15th day of June, in the

17th year of our reign.¹

No. 2

ENGLISH PETITION OF RIGHT, 1628

Background

In 1628 the English people, through their representatives in Parliament, stated their grievances in the form of a Petition of Right, to which the king acceded.

Text

To the king's most excellent majesty: ... whereas it is declared and enacted by a statute made in the time of the reign of King Edward the First, ... that no tallage or aid² should be laid or levied by the king or his heirs in this realm without the goodwill and assent of the archbishops, bishops, earls, barons, knights, burgesses, and other the freemen of the commonality of this realm; and by authority of the parliament ... [in] the reign of King Edward III it is declared and enacted that from thenceforth no person should be compelled to make any loans to the king against his will, ... yet nevertheless ... your people have been in divers places assembled and required to lend certain sums of money to your majesty; ...

And whereas also, by the statute called the Great Charter of the Liberties of England, it is declared and enacted that no freeman may be taken or imprisoned, or be disseised³ of his freehold or liberties or his free customs, or be outlawed or exiled or in any manner destroyed, but by the lawful judgment of his peers or by the law of the land; and in ... the reign of King Edward III it was declared and enacted by authority of parliament that no man, of what estate or condition that he be, should be put out of his land or tenements, nor taken, nor imprisoned, nor disherited, nor put to death, without being brought to answer by due process of law: nevertheless, ... divers of your subjects have of late been imprisoned without any cause showed; ... but that they were detained by your majesty's special command, ... without being charged with anything to which they might make

¹Translated from the Latin. Magna Charta; Granting of the Magna Charta by King John, on June 15, 1215, Together with Explanatory Notes to the Charter (Senate Document No. 232, 66th Congress, 2d Session; 1920), pp. 5-24.

²Varieties of taxes.

³Deprived.

answer according to the law;

And whereas ... great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants against their wills have been compelled to receive them into their houses, ... and whereas also ... it is declared and enacted that no man should be forejudged of life or limb against the form of the Great Charter and the law of the land; ... nevertheless of late divers commissions ... have issued forth, by which certain persons have been assigned and appointed commissioners, with power and authority to proceed within the land according to the justice of martial law ... by pretext whereof some of your majesty's subjects have been by some of the said commissioners put to death ... upon pretence that the said offenders were punishable only by martial law ... which commissions ... are wholly and directly contrary to the said laws and statutes of this your realm:

They [your subjects] do therefore humbly pray your most excellent majesty that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge without common consent by act of parliament; and that none be called to make answer, or take such oath, or give attendance, or be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof; and that no freeman ... be imprisoned or detained; and that your majesty would be pleased to remove the said soldiers and mariners; and that your people may not be burdened in time to come; and that the aforesaid commissions for proceeding by martial law may be revoked and annulled; and that hereafter no commissions of like nature may issue forth ... and that your majesty would also vouchsafe and declare that the awards, doings, and proceedings to the prejudice of your people in any of the premises shall not be drawn hereafter into consequence or example; and that your majesty would be also graciously pleased, for the further comfort and safety of your people, to declare your royal will and pleasure that in the things aforesaid all your officers and ministers shall serve you according to the laws and statutes of this realm, as they tender the honour of your majesty and the prosperity of this kingdom.¹

No. 3

AGREEMENT OF THE PEOPLE OF ENGLAND, 1647

Background

During the political debates leading up to the Second Civil War in England, a group of independents known as Levellers drew

¹Carl Stephenson and Frederick G. Marcham (editors), Sources of English Constitutional History (New York: Harper and Brothers, 1937), pp. 450-452.

up a document called the Agreement of the People, which they presented to the Army Council on October 28, 1647. The Agreement was presented as a manifesto to the House of Commons in the name of the Army on January 15-20, 1648.

Text

... the power of this Parliament, and all future Representatives of this Nation, is inferior only to theirs who choose them, and doth extend ... generally, to whatsoever is not expressly or impliedly reserved by the represented to themselves:

Which are as followeth.

1. That matters of religion and the ways of God's worship are not at all entrusted by us to any human power, because therein we cannot remit a tittle of what our consciences dictate to be the mind of God without wilful sin: nevertheless the public way of instructing the nation (so it be not compulsive) is referred to their discretion.

2. That the matter of impresting and constraining any of us to serve in the wars is against our freedom ...

3. That after the dissolution of this present Parliament, no person be at any time questioned for anything said or done in reference to the late public differences, otherwise than in execution of the judgments of the present Representatives of House of Commons.

4. That in all laws made or to be made every person may be bound alike, and that no tenure, estate, charter, degree, birth, or place do confer any exemption from the ordinary course of legal proceedings whereunto others are subjected.

5. That as the laws ought to be equal, so they must be good, and not evidently destructive to the safety and well-being of the people.

These things we declare to be our native rights, and therefore are agreed and resolved to maintain them ...¹

No. 4

MARYLAND TOLERATION ACT, 1649

Background

The Toleration Act which the Catholic colony of Maryland

¹Samuel R. Gardiner (editor), The Constitutional Documents of the Puritan Revolution, 1625-1660 (Oxford: At the Clarendon Press, 1899; 2d ed.), pp. 334-335.

adopted on April 21, 1649 was the first law on religious liberty to emanate from a legally constituted legislature in America. This act was designed to secure the Maryland colony from the charge of intolerance toward Protestantism.

Text

Foreasmuch as in a well governed and Christian Common Wealth matters concerning Religion and the honour of God ought in the first place to be taken into serious consideration and endeavored to be settled,

Be it therefore ... enacted ... that noe person or persons whatsoever within this Province, or the Islands, Ports, Harbors, Creekes, or havens thereunto belonging professing to believe in Jesus Christ, shall from henceforth be any waies troubled, Molested or discountenanced for or in respect of his or her religion nor in the free exercise thereof ... nor any way compelled to the believe or exercise of any other Religion against his or her consent ...

And that all & every person and persons that shall presume contrary to this Act ... willfully to wronge disturbe trouble or molest any person whatsoever within this Province professing to believe in Jesus Christ for or in respect of his or her religion or the free exercise thereof within this Province ... shall be compelled to pay trebble damages to the party soe wronged or molested, and for every such offence shall also forfeit 20^s sterling in money or the value thereof ... Or, if the parties soe offending ... shall refuse or be unable to recompense the party soe wronged, or to satisfy such ffyne or forfeiture, then such offender shall be severely punished by public whipping & imprisonment during the pleasure of the Lord proprietary, or his Lieutenant or chiefe Governor of this Province for the tyme being without baile or maineprize ...¹

No. 5

RHODE ISLAND COLONIAL CHARTER, 1663

Background

The charter which the Rhode Island colonists obtained from Charles II of England on July 8, 1663 formed the basis of their government until the present constitution was adopted in 1842. It provided for full religious liberty to all.

Text

... whereas ... they [the colonists] have freely declared ...

¹ Henry S. Commager, Documents of American History (New York: Appleton-Century-Crafts, 1948; 4th ed., 2 vols.), vol. I, pp. 31-32.

that a most flourishing civil state may stand and best be maintained ... with a full liberty in religious concernments; and that true piety rightly grounded upon gospel principles, will give the best and greatest security to sovereignty, and will lay in the hearts of men the strongest obligations to true loyalty:

Now know ye, that we, being willing to ... secure them in the free exercise and enjoyment of all their civil and religious rights ... and to preserve unto them that liberty, in the true Christian faith and worship of God, which they have sought ... to enjoy; ... do hereby publish, grant, ordain and declare ... that no person within the said colony, at any time hereafter shall be any wise molested, punished, disquieted, or called in question, for any differences in opinion in matters of religion ... but that all and every person and persons may, from time to time, and at all times hereafter, freely and fully have and enjoy his and their own judgments and consciences, in matters of religious concernments ... ¹

No. 6

HABEAS CORPUS ACT OF THE BRITISH PARLIAMENT, 1679

Background

The Magna Carta and subsequent documents gave the English people written guarantees of liberty. These guarantees, however, were not entirely efficacious because there was no stringent procedure for ensuring their application. The Habeas Corpus Act of 1679 remedied that weakness in part by supplying a precise mechanism whereby a person committed to imprisonment would be assured of a speedy trial by a lawful court according to the law of the land.

Text

... be it enacted ... that, whenever any person ... shall bring any habeas corpus ... unto any sheriff ..., jailer, minister, or other person ... the said officer ... shall within three days² ... bring or cause to be brought the body of the party ... committed or restrained ... before the lord chancellor or lord keeper of the great seal of England ... or the judges or the barons ... or before such other person before whom the said writ is made returnable ... and shall ... then certify the true causes of his detainer or imprisonment ...

¹Rhode Island, Manual, with Rules and Orders, for the Use of the General Assembly (Providence: 1868-), 1945-1946, p. 84.

²If the place of commitment was more than 20 but not over 100 miles from the court, 10 days were allowed; for a distance above 100 miles, 20 days.

And if any person or persons committed as aforesaid ... shall not be indicted some time in the next term sessions ... the judges ... are hereby required upon motion ... in open court the last day of the term sessions ... to set at liberty the prisoner upon bail ... And if any person or persons committed as aforesaid ... shall not be indicted and tried the second term sessions ... after his commitment ... he shall be discharged from his imprisonment ...¹

No. 7

ENGLISH BILL OF RIGHTS, 1689

Background

In December 1688 King James II of England abdicated. The convention which called William and Mary to the throne drew up a document imposing certain limitations upon the new sovereigns. This document was approved by both Houses of Parliament, accepted by William and Mary, and formally enacted. Originally a revolutionary instrument, drawn up by an irregular convention, it thus acquired the binding force of law and became one of the fundamental charters of political liberties for English-speaking people.

Text

Whereas the late King James II ... did endeavor to subvert and extirpate the Protestant religion and the laws and liberties of this kingdom ... and whereas the said late King James II having abdicated the government, and the throne being vacant, his highness the prince of Orange ... did, by the advice^e of the lords spiritual and temporal and divers principal persons of the commons, cause letters to be written ... for the choosing of such persons ... as were of right to be sent to parliament to meet and sit at Westminster ... in order to provide such an establishment as that their religion, laws, and liberties might not again be in danger of being subverted, ...

The said lords spiritual and temporal and commons, ... being now assembled ... do in the first place (as their ancestors in like case have usually done) for the vindicating and asserting their ancient rights and liberties declare that the pretended power of suspending of laws or the execution of laws by regal authority ... is illegal;

that the commission for erecting the late court of commissioners for ecclesiastical causes and all other commissions and courts of like nature are illegal and pernicious;

¹ Stephenson and Marcham, p. 558.

that levying money for or to the use of the crown ... without grant of parliament ... is illegal;

that it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal;

that the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of parliament, is against law;

that the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law;

that election of members of parliament ought to be free;

that the freedom of speech and debates or proceedings in parliament ought not to be impeached or questioned in any court or place out of parliament;

that excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted;

that jurors ought to be duly impanelled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders;

that all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void;

and that, for redress of all grievances and for the amending, strengthening, and preserving of the laws, parliament ought to be held frequently.

And they do claim, demand, and insist upon all and singular the premises as their undoubted rights and liberties, and that no declaration, judgments, doings, or proceedings to the prejudice of the people in any of the said premises ought in any wise to be drawn hereafter in consequence or example. ...¹

No. 8

PENNSYLVANIA CHARTER OF PRIVILEGES, 1701

Background

The Charter of Privileges which William Penn granted to the inhabitants of Pennsylvania in 1701 was one of the great colonial

¹ Stephenson and Marcham, pp. 559-602.

acts granting religious freedom and the right to participate in government.

Text

William Penn, Proprietary and Governor of the Province of Pensilvania and Territories thereunto belonging,

To all to whom these Presents shall come, sendeth Greeting.

Whereas King Charles the Second, by His Letters Patents, under the Great Seal of England, bearing Date the Fourth Day of March, in the Year One Thousand Six Hundred and Eighty-one, was graciously pleased to give and grant unto me, and my Heirs and Assigns for ever, this Province of Pensilvania, with divers great Powers and Jurisdictions for the well Government thereof ...

Know ye therefore, that for the ... Well-being and good Government of the said Province, and Territories, and in Pursuance of the Rights and Powers before-mentioned, I the said William Penn do declare, grant and confirm, unto all the Freemen, Planters and Adventurers, and other Inhabitants of this Province and Territories, these following Liberties, Franchises and Privileges, so far as in me lieth, to be held, enjoyed and kept .. for ever.

First. 'Because no People can be truly happy, though under the greatest Enjoyment of Civil Liberties, if abridged of the Freedom of their Consciences, as to their Religious Profession and Worship; And Almighty God being the only Lord of Conscience, Father of Lights and Spirits; and the Author as well as Object of all divine Knowledge, Faith and Worship, who only doth enlighten the Minds, and persuade and convince the Understanding of People, I do hereby grant and declare, That no Person or Persons, inhabiting in this Province or Territories, who shall confess and acknowledge One almighty God, the Creator, Upholder and Ruler of the World; and profess him or themselves obliged to live quietly under the Civil Government, shall be in any Case molested or prejudiced, in his or their Person or Estate, because of his or their conscientious Persuasion or Practice, nor be compelled to frequent or maintain any religious Worship, Place or Ministry, contrary to his or their Mind, or to do or suffer any other Act or Thing, contrary to their religious Persuasion. ...

II For the well governing of this Province and Territories, there shall be an Assembly yearly chosen, by the Freemen thereof, ...

V ... all Criminals shall have the same Privileges of Witnesses and Council as their Prosecution.

VI ... no Person or Persons shall or may, at any Time hereafter, be obliged to answer any Complaint, Matter or Thing whatsoever, relating to Property, before the Governor and Council, or in any other Place, but in ordinary Course of Justice, unless Appeals thereunto shall be hereafter by Law appointed. ...

VIII ... because the Happiness of Mankind depends so much upon the Enjoying of Liberty of their Consciences as aforesaid, I do hereby solemnly declare, promise and grant, for me, my Heirs, and Assigns, That the First Article of this Charter relating to Liberty of Conscience, and every Part and Clause therein, according to the true Intent and Meaning thereof, shall be kept and remain, without any Alteration, inviolably for ever.¹

No. 9

LETTER FROM THE FIRST CONTINENTAL CONGRESS
TO THE PEOPLE OF QUEBEC, 1774

Background

On October 26, 1774, the Continental Congress approved the text of a letter to the people of the Province of Quebec, which declared that the English colonists enjoyed and should enjoy five specific human rights: representative government, trial by jury, liberty of person, easy tenure of land, and freedom of the press.

Text

... the first grand right, is that of the people having a share in their own government by their representatives chosen by themselves, and, in consequence of being ruled by laws, which they themselves approve ...

The next great right is that of trial by jury. This provides that neither life, liberty nor property, can be taken from the possessor, until twelve of his unexceptionable countrymen and peers of his vicinage ... shall pass their sentence upon oath against him ...

Another right relates merely to the liberty of the person. If a subject is seized and imprisoned, though by order of the government, he may by virtue of this right, immediately obtain a writ, termed a Habeas Corpus, from a Judge ... and thereupon procure any illegal restraint to be quickly inquired into and redressed.

A fourth right is that of holding lands by the tenure of easy rents, and not by rigorous and oppressive services ...

The last right ... regards the freedom of the press. The importance of this consists, besides the advancement of truth, science, morality, and arts in general, in its diffusion of liberal

¹Commager, vol. I, pp. 40-41.

sentiments on the administration of government, ... whereby oppressive officers are shamed or intimidated into more honourable and just modes of conducting affairs. ...

These are the rights, without which a people cannot be free and happy ...¹

No. 10

DECLARATION AND RESOLVES
OF THE FIRST CONTINENTAL CONGRESS, 1774

Background

The English colonies of North America laid claim in this declaration to all the human rights which their ancestors in England had enjoyed. For this reason the declaration has been called the "Magna Carta of civil liberty in America".

Text

... The good people of the several Colonies of New-hampshire, Massachusetts-bay, Rhode-island and Providence plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Newcastle, Kent and Sussex on Delaware, Maryland, Virginia, North Carolina, and South Carolina ... have severally elected, constituted, and appointed deputies to meet and sit in general congress, in the city of Philadelphia ... [who] do, in the first place, ... declare,

That the inhabitants of the English Colonies in North America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following Rights:

Resolved, N.C.D.²

1. That they are entitled to life, liberty, and property, and they have never ceded to any sovereign power whatever, a right to dispose of either without their consent.

2. That our ancestors, who first settled these colonies, were at the time of their emigration from the mother country,

¹U.S. Continental Congress, Journals of the Continental Congress 1774-1789 (Washington: Government Printing Office, 1904-1931; 34 vols.; known as the "Library of Congress edition"), vol. I, pp. 107-108.

²N.C.D.: abbreviation of a Latin expression meaning "unanimously".

entitled to all the rights, liberties, and immunities of free and natural-born subjects, within the realm of England.

3. That by such emigration they by no means forfeited, surrendered, or lost any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them to exercise and enjoy.

4. That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council ...

5. That the respective colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law.

6. That they are entitled to the benefit of such of the English statutes as existed at the time of their colonization; and which they have, by experience, respectively found to be applicable to their several local and other circumstances.

7. That these, his majesty's colonies, are likewise entitled to all the immunities and privileges granted and confirmed to them by royal charters, or secured by their several codes of provincial laws.

8. That they have a right peaceably to assemble, consider of their grievances, and petition the King; and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal.

9. That the keeping a Standing army in these colonies, in times of peace, without the consent of the legislature of that colony, in which such army is kept, is against law.

10. It is indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature be independent of each other; ..

All and each of which the aforesaid deputies, in behalf of themselves and their constituents, do claim, demand, and insist on, as their indubitable rights and liberties; which cannot be legally taken from them, altered or abridged by any power whatever, without their own consent, by their representatives in their several provincial legislatures. ...¹

¹

Journals of the Continental Congress, vol. I, pp. 66-71.

No. 11

VIRGINIA DECLARATION OF RIGHTS, 1776

Background

Virginia was the first of the original 13 English colonies to adopt a Declaration of Rights in anticipation of becoming a State. The Virginia statement, adopted June 12, 1776, preceded the Declaration of Independence by three weeks. Its 16 articles gave eloquent expression to the human rights which Virginia and other States were to incorporate in their constitutions.

Text

Section 1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

Section 2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

Section 3. That Government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community ...

Section 6. That elections of members to serve as representatives of the people, in assembly, ought to be free and that all men ... have the right of suffrage ...

Section 8. That in all capital or criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with his accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury ... [and] that no man [should] be deprived of his liberty, except by the law of the land or the judgment of his peers. ...

Section 11. That in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred.

Section 12. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments. ...

Section 16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force, or violence; and

therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience ...¹

No. 12

DECLARATION OF INDEPENDENCE, 1776

Background

The first national act on the part of the United States of America was the Declaration of Independence, adopted July 4, 1776. Its preamble set forth the fundamental human rights. The grievances which it listed (not reproduced here) became the basis of the civil liberties claimed by the American people in their Bill of Rights.

Text

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That, to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That, whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations ... evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. ...²

¹ Commager, vol. I, pp. 103-104.

² Journals of the Continental Congress, vol. V, pp. 510-511.

No. 13

ARTICLES OF CONFEDERATION, 1777

Background

Having declared their independence, the 13 former English colonies approved on November 15, 1777 their first written instrument of government, the Articles of Confederation and Perpetual Union, whereby they entered into a "firm league of friendship" with each other. Article IV referred to freedom of travel. The Articles of Confederation were ratified and came into force on March 1, 1781.

Text

The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in the union, the free inhabitants of each of these states ... shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce ...¹

No. 14

VIRGINIA STATUTE OF RELIGIOUS LIBERTY, 1786

Background

Almost all the new constitutions adopted by the former English colonies after they became States included a guarantee of religious freedom as a human right. The Virginia statute of 1786 on this subject was written by Thomas Jefferson.

Text

1. Whereas Almighty God hath created the mind free ... all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness ... to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; ... our civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry; ... therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which in common with his fellow-citizens he has a natural right; ... to suffer the civil magistrate to intrude his

¹Journals of the Continental Congress, vol. IX, p. 908.

powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency, is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own; ... and finally, ... truth is great and will prevail if left to herself, ... she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by interposition disarmed of her natural weapons, free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them.¹

No. 15

NORTHWEST ORDINANCE, 1787

Background

The first national formulation by the United States of specific human rights was contained in this instrument providing government for the people of the Northwest Territory. Historians have emphasized the broad assurance of the enjoyment of human rights extended by this law.

Text

... It is hereby Ordained and declared by the authority aforesaid [the Congress of the United States], That the following Articles shall be considered as Articles of compact between the Original States and the People and States in the said territory, and forever remain unalterable, unless by common consent, to wit,

[Article 1] No person demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments in the said territory--

[Article 2] The Inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by Jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law; all Persons shall be bailable unless for capital offences, where the proof shall be evident, or the presumption great; all fines shall be moderate, and no cruel or unusual punishments shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his Peers, or the law of the land; and should the public exigencies make it necessary for the common preservation to take any persons property, or to demand his particular services, full compensation shall be made for the same;--and in the just preservation of rights and property it is understood and declared, that no law ought ever to be made, or

¹

Commager, vol. I, pp. 125-126.

have force in the said territory, that shall in any manner whatever interfere with, or affect private contracts or engagements, bona fide and without fraud previously formed.

[Article 3] Religion, Morality and knowledge being necessary to good government and the happiness of mankind, Schools and the means of education shall forever be encouraged ...

[Article 4] The said territory, and the States which may be formed therein, shall forever remain a part of this Confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the Acts and Ordinances of the United States in Congress Assembled, conformable thereto. The Inhabitants and Settlers in the said territory, shall be subject to pay a part of the federal debts contracted or to be contracted, and a proportional part of the expences of Government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; ... The navigable Waters leading into the Mississippi and St Lawrence, and the carrying places between the same shall be common highways, and forever free, as well to the Inhabitants of the said territory, as to the Citizens of the United States, and those of any other States that may be admitted into the Confederacy, without any tax, impost, or duty therefor--

[Article 5] There shall be formed in the said territory, not less than three nor more than five States; ...

[Article 6] There shall be neither Slavery nor involuntary Servitude in the said territory otherwise than in the punishment of crimes, whereof the Party shall have been duly convicted: Provided always that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid-- ...¹

No. 16

CONSTITUTION OF THE UNITED STATES

AND AMENDMENTS, 1787-1920

Background

A few guarantees of human rights were incorporated in the original articles of the Constitution of the United States, which

¹ Clarence E. Carter (editor), The Territorial Papers of the United States (Washington: Government Printing Office, 1934-), vol. II, pp. 46-49.

were drafted by the Federal Convention of 1787 and came into force on June 21, 1788. The American people, however, having won their freedom at a high price, wished to make sure that the human rights which they had fought to secure would be preserved. Accordingly they adopted a set of amendments to the Constitution (the first ten), providing that certain fundamental rights could not be abridged by the Federal Government. These amendments came into force on December 15, 1791. Subsequent amendments added new guarantees. Of the 21 amendments to the Constitution, 14 directly concern human rights.

Text

[Article 1] Section 9.... The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

Section 10. No State shall ... pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility. ...

[Article III] Section 2. ... The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

[Article IV] Section 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. ...

[Article VI] ... no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.¹

[Amendment 1] Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

[Amendment 2] A well regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear Arms, shall not be infringed.

[Amendment 3] No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

¹ The Constitution of the United States of America; Literal Print (Department of State publication 539; 1934), pp. 10-20.

[Amendment 4] The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

[Amendment 5] No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

[Amendment 6] In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

[Amendment 7] In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

[Amendment 8] Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

[Amendment 9] The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

[Amendment 10] The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. . . .¹

[Amendment 13] Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. . . .²

¹ Ibid., pp. 25-27.

² Came into force Dec. 18, 1865; ibid., pp. 32-33.

[Amendment 14] Section 1. ... No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws. ...¹

[Amendment 15] Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. ...²

[Amendment 19] Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.³

No. 17

FRENCH DECLARATION OF THE RIGHTS OF MAN AND OF THE CITIZEN, 1789

Background

The National Assembly of France adopted this Declaration during the revolution in 1789. It was elaborated later and prefixed to the first republican constitution of France, which was adopted and proclaimed on June 24, 1793. The Declaration represented the culmination of many years of thought about human rights and served as an inspiration for other nations, including the United States, as they established and developed democratic governments. The French Constitution in force at the present time reaffirms the rights consecrated by this Declaration.

Text

The representatives of the people of France, formed into a National Assembly, considering that ignorance, neglect, or contempt of human rights, are the sole causes of public misfortunes and corruptions of Government, have resolved to set forth in a solemn declaration, these natural, imprescriptible, and inalienable rights; that this declaration being constantly present to the minds of the members of the body social, they may be ever kept attentive to their rights and their duties; that the acts of the legislative and executive powers of Government,

¹ Came into force in July 1868; ibid., p. 34.

² Came into force Mar. 30, 1870; ibid., p. 37.

³ Came into force Aug. 26, 1920; ibid., p. 45.

being capable of being every moment compared with the end of political institutions, may be more respected; and also, that the future claims of the citizens, being directed by simple and incontestable principles, may always tend to the maintenance of the Constitution, and the general happiness.

For these reasons the NATIONAL ASSEMBLY doth recognize and declare, in the presence of the Supreme Being, and with the hope of his blessing and favor, the following sacred rights of men and of citizens:

I. Men are born, and always continue, free and equal in respect of their rights. Civil distinctions, therefore, can be founded only on public utility.

II. The end of all political associations is the preservation of the natural and imprescriptible rights of man; and these rights are liberty, property, security, and resistance of oppression.

III. The Nation is essentially the source of all sovereignty; nor can any INDIVIDUAL, or ANY BODY OF MEN be entitled to any authority which is not expressly derived from it.

IV. Political Liberty consists in the power of doing whatever does not injure another. The exercise of the natural rights of every man has no other limits than those which are necessary to secure to every other man the free exercise of the same rights; and these limits are determinable only by the law.

V. The law ought to prohibit only actions hurtful to society. What is not prohibited by the law should not be hindered; nor should anyone be compelled to that which the law does not require.

VI. The law is an expression of the will of the community. All citizens have a right to concur, either personally or by their representatives, in its formation. It should be the same to all, whether it protects or punishes; and all, being equal in its sight, are equally eligible to all honors, places, and employments, according to their different abilities, without any other distinction than that created by their virtues and talents.

VII. No man should be accused, arrested, or held in confinement, except in cases determined by the law, and according to the forms which it has prescribed. All who promote, solicit, execute, or cause to be executed, arbitrary orders, ought to be punished, and every citizen called upon, or apprehended by virtue of the law, ought immediately to obey, and renders himself culpable by resistance.

VIII. The law ought to impose no other penalties but such as are absolutely and evidently necessary; and no one ought to be punished, but in virtue of a law promulgated before the offense, and legally applied.

IX. Every man being presumed innocent till he has been convicted, whenever his detention becomes indispensable,

all rigor to him, more than is necessary to secure his person, ought to be provided against by the law.

X. No man ought to be molested on account of his religious opinions, provided his avowal of them does not disturb the public order established by the law.

XI. The unrestrained communication of thoughts and opinions being one of the most precious Rights of Man, every citizen may speak, write, and publish freely, provided he is responsible for the abuse of this liberty, in cases determined by law.

XII. A public force being necessary to give security to the Rights of Men and of citizens, that force is instituted for the benefit of the community and not for the particular benefit of the persons with whom it is intrusted.

XIII. A common contribution being necessary for the support of the public force, and for defraying the other expenses of Government, it ought to be divided equally among the members of the community, according to their abilities.

XIV. Every citizen has a right, either by himself or his representative, to a free voice in determining the necessity of public contributions, the appropriation of them, and their amount, mode of assessment, and duration.

XV. Every community has a right to demand of all its agents an account of their conduct.

XVI. Every community in which a separation of powers and a security of rights is not provided for, wants a Constitution.

XVII. The right to property being inviolable and sacred, no one ought to be deprived of it, except in cases of evident public necessity, legally ascertained, and on condition of a previous just indemnity.¹

No. 18

VIRGINIA AND KENTUCKY RESOLUTIONS, 1798

Background

These resolutions represent an early democratic protest on the part of the people of America against what they considered a

¹ English translation incorporated in Thomas Paine's The Rights of Man. See Moncure Daniel Conway (editor), The Writings of Thomas Paine (New York: G.P. Putnam's Sons, 1894; 2 vols.), vol. 2, pp. 351-353.

dangerous usurption of power by the Government of the United States in passing the so-called "Sedition Law" of 1798 abridging freedom of speech and the press. Not only was the law condemned by the people, but it was denounced by Jefferson when he became President in 1801, and the Congress did not renew it.

Text of the Virginia Resolution

... this state, having, by its Convention which ratified the Federal Constitution, expressly declared that, among other essential rights, "the liberty of conscience and of the press cannot be cancelled, abridged, restrained or modified by any authority of the United States" and from its supreme anxiety to guard these rights from every possible attack having, with other states, recommended an amendment for that purpose, ... it would mark a reproachful inconsistency and criminal degeneracy, if an indifference were now shown to the palpable violation of one of the rights thus declared and secured, and to the establishment of a precedent which may be fatal to the other. ...¹

Text of the Kentucky Resolution

... it would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights ... Our Constitution has accordingly fixed the limits to which and no further our confidence may go ...²

No. 19

TREATY CEDING LOUISIANA, 1803

Background

On April 30, 1803 the United States concluded a treaty with France for the purchase of the "province of Louisiana". Article III of this treaty protected the inhabitants of the ceded territory in the enjoyment of their human rights pending their attainment

¹ Commager, p. 182.

² Ibid., p. 181.

of United States citizenship. Subsequent treaties by which the United States acquired territory contained similar provisions.¹

Text

The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible according to the principles of the federal Constitution to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property and the Religion which they profess.²

No. 20

TEXAS DECLARATION OF RIGHTS, 1836

Background

On March 1, 1836 the delegates of the people of Texas assembled in convention for the purpose of proclaiming their independence from Mexico and setting up a form of civil government for the Republic of Texas. On March 17, 1836 they unanimously adopted a Constitution which included a declaration of the rights reserved to the people. This Constitution formed the basis of government until Texas was admitted as a State in 1845, at which time a new Constitution was adopted.

Text

1st. All men, when they form a social compact, have equal

¹ See, for example, (1) articles V and VI of the Florida Treaty of Feb. 22, 1819, with Spain, printed in Hunter Miller (editor), Treaties and Other International Acts of the United States of America (Washington: Government Printing Office, 1931-), vol. 3, p. 8; (2) article IX of the Treaty of Guadalupe Hidalgo with Mexico, signed Feb. 2, 1848 (by which the United States acquired California and other southwestern territory), printed *ibid.*, vol. 5, p. 219; (3) article III of the convention of Mar. 30, 1867, with Russia ceding Alaska to the United States, which is printed in William M. Malloy (editor), Treaties, Conventions, International Acts, Protocols and Agreements Between the United States of America and Other Powers, 1776-1909 (Washington: Government Printing Office, 1910; 2 vols.), vol. 2, p. 1523; and (4) articles X and XI of the Treaty of Peace with Spain, signed Dec. 10, 1898 (by which the United States acquired the Philippines, Puerto Rico, and Guam), printed *ibid.*, pp. 1693-1694.

² Miller, vol. 2, p. 501.

rights; and no men or set of men are entitled to exclusive public privileges or emoluments from the community.

2d. All political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit; and they have at all times an inalienable right to alter their government in such manner as they may think proper.

3d. No preference shall be given by law to any religious denomination or mode of worship over another, but every person shall be permitted to worship God according to the dictates of his own conscience.

4th. Every citizen shall be at liberty to speak, write, or publish his opinions on any subject, being responsible for the abuse of that privilege. No law shall ever be passed to curtail the liberty of speech or of the press; and in all prosecutions for libels the truth may be given in evidence, and the jury shall have the right to determine the law and fact, under the direction of the court.

5th. The people shall be secure in their persons, houses, papers and possessions, from all unreasonable searches and seizures ...

6th. In all criminal prosecutions the accused shall have the right of being heard, by himself or counsel, or both; he shall have the right to demand the nature and cause of the accusation; shall be confronted with the witnesses against him, and have compulsory process for obtaining witnesses in his favor. And in all prosecutions by presentment or indictment, he shall have the right to a speedy and public trial, by an impartial jury; he shall not be compelled to give evidence against himself, or be deprived of life, liberty, or property, but by due process of law. ...

7th. No citizen shall be deprived of privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land. ...

9th. No person, for the same offence, shall be twice put in jeopardy of life or limbs. And the right to trial by jury shall remain inviolate.

10th. All persons shall be bailable by sufficient security, unless for capital crimes, when the proof is evident or the presumption strong; and the privilege of the writ of habeas corpus shall not be suspended, except in cases of rebellion or invasion the public safety may require it.

11th. Excessive bail shall not be required, nor excessive fines imposed, or cruel or unusual punishments inflicted. All courts shall be open, and every man for any injury done him in his lands, goods, person, or reputation shall have remedy by due course of law.

12th. No person shall be imprisoned for debt in consequence of inability to pay.

13th. No person's particular services shall be demanded, nor property taken or applied to public use, unless by the consent of himself or his representative, without just compensation being made therefor according to law. ...

16th. ... No Retrospective or ex post facto law, or laws impairing the obligation of contracts, shall be made. ...¹

No. 21

EMANCIPATION PROCLAMATION, 1863

Background

Although Washington, Franklin, Jefferson, Madison, Hamilton, and many other early leaders of public opinion considered slavery an evil, inconsistent with the principles of the Declaration of Independence, slavery became firmly established in the United States in the early colonial days and was recognized by the Constitution. Congress barred slave trading in 1808, that year having been specified in the Constitution itself as the first year in which the action could be taken. On January 1, 1863, President Abraham Lincoln issued a proclamation emancipating the slaves.

Text

... Now, therefore, I, Abraham Lincoln, President of the United States ... do order and declare that all persons held as slaves within said designated states and parts of states are, and henceforward shall be, free; and that the Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary defence; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known that such persons, of suitable condition, will be received into the armed service of the United States to garrison forts, position, stations, and other places, and to man vessels of all sorts in said service.

¹ Francis N. Thorpe (editor), The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies ... (Washington: Government Printing Office, 1909; 7 vols.), vol. VI, pp. 3542-3543.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.¹

No. 22

WYOMING CONSTITUTION, 1889

Background

Wyoming was the first State to extend the suffrage to women.

Text

Article No. VI

Section 1. The rights of the citizens of the State of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this State shall equally enjoy all civil, political and religious rights and privileges.²

No. 23

PUERTO RICAN BILL OF RIGHTS, 1917

Background

The act of Congress approved on March 2, 1917 established a civil government for Puerto Rico. This organic act included a Bill of Rights.

Text

... Sec. 2. That no law shall be enacted in Porto Rico which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.

That in all criminal prosecutions the accused shall enjoy the right to have the assistance of counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with

¹12 Stat. 1268.

²Thorpe, vol. VII, p. 4132.

the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

That no person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put into jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

That all persons shall before conviction be bailable by sufficient sureties except for capital offenses when the proof is evident or the presumption great.

That no law impairing the obligation of contracts shall be enacted.

That no person shall be imprisoned for debt.

That the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President, or by the governor, whenever during such period the necessity for such suspension shall exist.

That no ex post facto law or bill of attainder shall be enacted.

Private property shall not be taken or damaged for public use except upon payment of just compensation ascertained in the manner provided by law.

Nothing in this Act shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees.

That no law granting a title of nobility shall be enacted. ...

That excessive bail shall not be required. ...

That the right to be secure against unreasonable searches and seizures shall not be violated.

That no warrant for arrest or search shall be issued but upon probable cause ...

That slavery shall not exist in Porto Rico.

That involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall not exist in Porto Rico.

That no law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.

That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without

discrimination or preference shall forever be allowed, and that no political or religious test other than an oath to support the Constitution of the United States and the laws of Porto Rico shall be required as a qualification to any office or public trust under the government of Porto Rico. ...¹

No. 24

ATLANTIC CHARTER, 1941

Background

Shortly after Nazi forces had overrun most of Europe, President Roosevelt and Prime Minister Churchill met on the U.S.S. Augusta and the H.M.S. Prince of Wales in the North Atlantic for the purpose of considering threats to their two countries. They issued a joint statement on August 14, 1941 which became known as the Atlantic Charter. This Charter, among other things, gave oppressed peoples throughout the world renewed hope of liberty.

Text

The President of the United States of America and the Prime Minister, Mr. Churchill, representing His Majesty's Government in the United Kingdom, being met together, deem it right to make known certain common principles in the national policies of their respective countries on which they base their hopes for a better future for the world.

First, their countries seek no aggrandizement, territorial or other;

Second, they desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned;

Third, they respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them;

Fourth, they will endeavor, with due respect for their existing obligations, to further the enjoyment by all States, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity;

Fifth, they desire to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labor standards, economic advancement and social security;

Sixth, after the final destruction of the Nazi tyranny, they hope to see established a peace which will afford to all nations

¹39 Stat. 951-952.

the means of dwelling in safety within their own boundaries, and which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want;

Seventh, such a peace should enable all men to traverse the high seas and oceans without hindrances;

Eighth, they believe that all of the nations of the world, for realistic as well as spiritual reasons must come to the abandonment of the use of force. ...¹

No. 25

FOUR - POWER AGREEMENT ON CRIMES AGAINST HUMANITY, 1945

Background

The agreement of August 8, 1945 signed at London by the United States, France, the Soviet Union, and the United Kingdom contained as an annex the Charter of the International Military Tribunal. The Charter provided that the Tribunal established by the agreement should prosecute and punish individuals found guilty of committing crimes against peace, war crimes, and crimes against humanity. This act stands as a precedent in the international recognition of human rights. Its definitions of war crimes and crimes against humanity embody many of the concepts underlying human rights.

Text

Article 6. ... The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility: ...

(b) War Crimes: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or of persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity;

(c) Crimes against humanity: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during war, or persecution on political, racial, or religious grounds in execution of or in connection with any crime within the jurisdiction of the tribunal, whether or not in violation of the domestic law of the country where perpetrated.²

¹ 55 Stat. 1603.

² 59 Stat. 1544.

No. 26

PEACE TREATIES WITH BULGARIA, HUNGARY, ITALY, AND RUMANIA, 1947

Background

The United States and the other Allied and Associated Powers are parties to the treaties of peace with Bulgaria, Hungary, Italy, and Rumania signed on February 10, 1947, which contain guarantees of human rights and fundamental freedoms for the peoples of the latter countries. These treaties entered into force September 15, 1947. Articles 2 and 3 of the treaty with Hungary are reproduced below. The other treaties contain identical provisions except as indicated in the footnotes.

Text

Article 2

1. Hungary shall take all measures necessary to secure to all persons under Hungarian jurisdiction, without distinction as to race, sex, language or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of expression, of press and publication, of religious worship, of political opinion and of public meeting.¹

2. Hungary further undertakes that the laws in force in Hungary shall not, either in their content or in their application, discriminate or entail any discrimination between persons of Hungarian nationality on the ground of their race, sex, language or religion, whether in reference to their persons, property, business, professional or financial interests, status, political or civil rights or any other matter.²

Article 3

Hungary, which in accordance with the Armistice Agreement has taken measures to set free, irrespective of citizenship and nationality, all persons held in confinement on account of their activities in favour of, or because of their sympathies with, the United Nations or because of their racial origin, and to repeal discriminatory legislation and restrictions imposed thereunder, shall complete these measures and shall in future not take any

¹This paragraph appears also in the treaty of peace with Finland, which was not signed by the United States, as we were not at war with Finland.

²This paragraph appears only in the Hungarian and Rumanian treaties.

measures or enact any laws which would be incompatible with the purposes set forth in this Article.¹

No. 27

AMERICAN DECLARATION OF THE ESSENTIAL RIGHTS AND
DUTIES OF MAN, 1948

Background

The American Republics have occupied a position of leadership in the movement toward international recognition of the existence of basic human rights and of the international importance of observing such rights. Meeting at Bogotá, Colombia, March 30-May 2, 1948, the 21 Republics adopted an American Declaration of the Essential Rights and Duties of Man.

Text

Article I. Every human being has the right of life, liberty and the security of his person.

Article II. All persons are equal before the law and have the rights and duties established in this Declaration, without distinction as to race, sex, language, creed or any other factor.

Article III. Every person has the right freely to profess a religious faith, and to manifest and practice it both in public and in private.

Article IV. Every person has the right to freedom of investigation, of opinion, and of the expression and dissemination of ideas, by any medium whatsoever.

¹ This paragraph does not appear in the Italian treaty. Article 16 of the Italian treaty reads as follows: "Italy shall not prosecute or molest Italian nationals, including members of the armed forces, solely on the ground that during the period from June 10, 1940, to the coming into force of the present Treaty, they expressed sympathy with or took action in support of the cause of the Allied and Associated Powers." Department of State, Treaties and Other International Acts Series 1648 (Treaty of Peace with Italy), p. 134; 1649 (Treaty of Peace with Roumania), pp. 45-46; 1650 (Treaty of Peace with Bulgaria), p. 41; 1651 (Treaty of Peace with Hungary), pp. 48-49.

Article V. Every person has the right to the protection of the law against abusive attacks upon his honor, his reputation, and his private and family life.

Article VI. Every person has the right to establish a family, the basic element of society, and to receive protection therefor.

Article VII. All women, during pregnancy and the nursing period, and all children have the right to special protection, care and aid.

Article VIII. Every person has the right to fix his residence within the territory of the state of which he is a national, to move about freely within such territory, and not to leave except by his own will.

Article IX. Every person has the right to the inviolability of his home.

Article X. Every person has the right to the inviolability and transmission of his correspondence.

Article XI. Every person has the right to the preservation of his health through sanitary and social measures relating to food, clothing, housing and medical care, to the extent permitted by public and community resources.

Article XII. Every person has the right to an education, which should be based on the principles of liberty, morality and human solidarity.

Likewise every person has the right to an education that will prepare him to attain a decent life, to raise his standard of living, and to be a useful member of society.

The right to an education includes the right to equality of opportunity in every case, in accordance with natural talents, merit and the desire to utilize the resources that the state or the community is in a position to provide.

Every person has the right to receive, free, at least a primary education.

Article XIII. Every person has the right to take part in the cultural life of the community, to enjoy the arts, and to participate in the benefits that result from intellectual progress, especially scientific discoveries.

He likewise has the right to the protection of his moral and material interests as regards his inventions or any literary, scientific or artistic works of which he is the author.

Article XIV. Every person has the right to work, under proper conditions, and to follow his vocation freely, in so far as existing conditions of employment permit.

Every person who works has the right to receive such remuneration as will, in proportion to his capacity and skill,

assure him a standard of living suitable for himself and for his family.

Article XV. Every person has the right to leisure time, to wholesome recreation, and to the opportunity for advantageous use of his free time to his spiritual, cultural and physical benefit.

Article XVI. Every person has the right to social security which will protect him from the consequences of unemployment, old age, and any disabilities arising from causes beyond his control that make it physically or mentally impossible for him to earn a living.

Article XVII. Every person has the right to be recognized everywhere as a person having rights and obligations, and to enjoy the basic civil rights.

Article XVIII. Every person may resort to the courts to ensure respect for his legal rights. There should likewise be available to him a simple, brief procedure whereby the courts will protect him from acts of authority that, to his prejudice, violate any fundamental constitutional rights.

Article XIX. Every person has the right to the nationality to which he is entitled by law and to change it, if he so wishes, for the nationality of any other country that is willing to grant it to him.

Article XX. Every person having legal capacity is entitled to participate in the government of his country, directly or through his representatives, and to take part in popular election, which shall be by secret ballot, and shall be honest, periodic and free.

Article XXI. Every person has the right to assemble peaceably with others in a formal public meeting or an informal gathering, in connection with matters of common interest of any nature.

Article XXII. Every person has the right to associate with others to promote, exercise and protect his legitimate interests of a political, economic, religious, social, cultural, professional, labor union or other nature.

Article XXIII. Every person has a right to own such private property as meets the essential needs of decent living and helps to maintain the dignity of the individual and of the home.

Article XXIV. Every person has the right to submit respectful petitions to any competent authority, for reasons of either general or private interest, and the right to obtain a prompt decision thereon.

Article XXV. No person may be deprived of his liberty except in the cases and according to the procedures established by pre-existing law.

No person may be deprived of liberty for nonfulfillment of obligations of a purely civil character.

Every individual who has been deprived of his liberty has the right to have the legality of his detention ascertained without delay by a court, and the right to be tried without undue delay, or, otherwise, to be released. He also has the right to humane treatment during the time he is in custody.

Article XXVI. Every accused person is presumed to be innocent until proved guilty.

Every person accused of an offense has the right to be given an impartial and public hearing, and to be tried by courts previously established in accordance with pre-existing laws, and not to receive cruel, infamous or unusual punishment.

Article XXVII. Every person has the right, in case of pursuit not resulting from ordinary crimes, to seek and receive asylum in foreign territory, in accordance with the laws of each country and with international agreements.

Article XXVIII. The rights of man are limited by the rights of others, by the security of all, and by the just demands of the general welfare and the advancement of democracy.¹

¹

Here follow 10 articles setting forth the essential duties of every individual, such as the duty to obey the law, to pay taxes, and to educate his children. Ninth International Conference of American States, Bogotá, Colombia, March 30-May 2, 1948; Report of the Delegation of the United States of America, With Related Documents (Department of State publication 3263; 1948) pp. 261-266.

Part II

SIGNIFICANT STATEMENTS

No. 28

THE BIBLE

Thou shalt not kill.

Thou shalt not commit adultery.

Thou shalt not steal.

Thou shalt not bear false witness against thy neighbour.

Thou shalt not covet thy neighbour's house, thou shalt not covet thy neighbour's wife, nor his manservant, nor his maid-servant, nor his ox, nor his ass, nor any thing that is thy neighbour's.¹

And if a stranger sojourn with thee in your land, ye shall not vex him.

But the stranger that dwelleth with you shall be unto you as one born among you, and thou shalt love him as thyself ...²

It is not the manner of the Romans to deliver any man to die, before ... he which is accused have the accusers face to face, and have license to answer for himself concerning the crime laid against him.³

No. 29

CONFUCIUS

(c. 551-478 B.C.)

... To put the people to death without having instructed them;--this is called cruelty. To require from them, suddenly, the full tale of work, without giving them warning;--this is called oppression. To issue orders as if without urgency, at first, and when the time comes to insist on them with severity;--this is called injury.⁴

¹Exodus, XX, 13-17.

²Leviticus, XIX, 33-34.

³Remark of the Roman Governor to the accuser of Paul; Acts, XXV, 16.

⁴The Chinese Classics, translated into English by James Legge (London: N. Trubner and Co., 1867-1876; 3 vols.), vol. I, p. 263.

No. 30

PERICLES
(c. 495-429 B.C.)

... we are called a democracy, for the administration is in the hands of the many and not of the few. But while the law secures equal justice to all alike in their private disputes, the claim of excellence is also recognized; and when a citizen is in any way distinguished, he is preferred ... not as a matter of privilege, but as the reward of merit.

Neither is poverty a bar, but a man may benefit his country whatever be the obscurity of his condition.

There is no exclusiveness in our public life, and in our private intercourse we are not suspicious of one another, nor angry with our neighbor if he does what he likes; we do not put on sour looks at him which, though harmless, are not pleasant.

Our city is thrown open to the world, and we never expel a foreigner or prevent him from seeing or learning anything ...

The great impediment to action is ... not discussion, but the want of that knowledge which is gained by discussion, preparatory to action.¹

No. 31

PLATO
(c. 428-348 B.C.)

All men are by nature equal, made, all, of the same earth by the same Creator; and however we deceive ourselves, as dear to God is the poor peasant as the mighty prince.²

¹Funeral oration over dead Athenian warriors; put into the mouth of Pericles by the Greek historian Thucydides. Thucydides, translated into English by Benjamin Jowett (Oxford: At the Clarendon Press, 1900; 2d ed., revised; 2 vols.), vol. I, pp. 127-130.

²Ascribed to Plato in Tryon Edwards (editor), The New Dictionary of Thoughts, revised and enlarged by C. N. Catrevas and Jonathan Edwards (London and New York: Classic Publishing House, /1936/), p. 165.

No. 32

ARISTOTLE
(384-322 B.C.)

... the members of a state, if they are truly citizens, ought to participate in its advantages.¹

The basis of a democratic state is liberty; which, according to the common opinion of men, can only be enjoyed in such a state ...²

No. 33

CICERO
(106-43 B.C.)

... in no other state, save where the power of the people predominates, has liberty any home. Liberty the sweetest of all blessings, and which if it is not equal for all, is not liberty.³

No. 34

ROGER WILLIAMS
(1604(?)-1638)

It is the will and command of God, that ... a permission of the most Paganish, Jewish, Turkish, or Antichristian consciences and worships, bee granted to all men in all Nations and Countries: and they are onely to bee fought against with that Sword which is onely (in Soule matters) able to conquer, to wit, the Sword of God's Spirit, the Word of God. ...

God requireth not an uniformity of Religion to be inacted and inforced in any civill state; which inforced uniformity (sooner or later) is the greatest occasion of civill Warre, ravishing of conscience, persecution of Christ Jesus in his servants, and of the hypocrisie and destruction of millions of souls.

¹Aristotle, Politics, translated by Benjamin Jowett (New York: Modern Library, 1943), p. 139.

²Ibid., p. 260.

³Cicero, The Republic, translated by G. W. Featherstonhaugh (New York: G. and C. Carvill, 1829), p. 60.

... lastly, true civility and Christianity may both flourish in a state or Kingdome, notwithstanding the permission of divers and contrary consciences, either of Jew or Gentile.¹

No. 35

JOHN MILTON
(1608-1674)

... this is not the liberty which we can hope, that no grievance ever should arise in the commonwealth: that let no man in this world expect; but when complaints are freely heard, deeply considered, and speedily reformed, then is the utmost bound of civil liberty obtained that wise men look for.²

... Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties.³

No. 36

JOHN LOCKE
(1632-1704)

Any one may employ as many exhortations and arguments as he please, towards the promoting of another man's salvation. But all force and compulsion are to be forborne. ... Every man in that /religion/ has the supreme and absolute authority of judging for himself.⁴

The liberty of man in society is to be under no other legislative power but that established by consent in the commonwealth; nor under the dominion of any will or restraint of any law, but what that legislative /power/ shall enact according to the trust put in it. ... freedom of men under government is to have a standing rule to live by, common to every one of that society, and made by the legislative power erected in it; ...⁵

¹Roger Williams, The Bloudy Tenent of Persecution, edited by Samuel L. Caldwell (Providence, R.I.: Publications of the Narragansett Club, vol. III, 1867), pp. 3-4 of the Preface.

²John Milton, Areopagitica and Other Prose Writings (New York: The Macmillan Co., 1917), p. 4.

³Ibid., p. 58.

⁴John Locke, The Second Treatise of Civil Government and A Letter Concerning Toleration, edited by J. W. Gough (Oxford: Basil Blackwell, 1946), pp. 151-152.

⁵Ibid., p. 13.

Men being, as has been said, by nature all free, equal, and independent, no one can be put out of this estate, and subjected to the political power of another, without his own consent ... which ... is by agreeing with other men to join and unite into a community for their comfortable, safe and peaceable living one amongst another ...¹

No. 37

PUTNEY DEBATES²
(1647)

Really I think that the poorest he that is in England hath a life to live as the greatest he; and therefore truly Sir, I think it's clear, that every man that is to live under a government ought first by his own consent to put himself under that government; and I do think that the poorest man in England is not at all bound in a strict sense to that government that he hath not had a voice to put himself under.³

For by natural birth all men are equally and alike born to like propriety, liberty, and freedom; and as we are delivered of God by the hand of nature into this world, every one with a natural innate freedom, and propriety, even so are we to live, every one equally and alike to enjoy his birthright and privilege.⁴

No. 38

CHARLES, BARON DE MONTESQUIEU
(1689-1755)

As in a country of liberty, every man who is supposed a free agent, ought to be his own governor; the legislative power should reside in the whole body of the people.⁵

¹Ibid., p. 48.

²Debates between the enlisted men and the officers of Cromwell's army.

³George H. Sabine, A History of Political Thought (New York: Henry Holt and Co., 1947), p. 483.

⁴Ibid., p. 482.

⁵Baron de Montesquieu, The Spirit of the Laws, translated by Thomas Nugent (London: George Bell and Sons, 1902; new ed., revised by J. V. Prichard), vol. I, p. 165.

The political liberty of the subject is a tranquillity of mind arising from the opinion each person has of his safety. In order to have this liberty, it is requisite the government be so constituted that one man need not be afraid of another.¹

Liberty is in perfection when criminal laws derive each punishment from the particular nature of the crime. There are then no arbitrary decisions; the punishment does not flow from the capriciousness of the legislator, but from the very nature of the thing; and man uses no violence to man.²

No. 39

FRANÇOIS M. A. DE VOLTAIRE
(1694-1778)

Toleration has never yet excited civil wars, whereas its opposite has filled the earth with slaughter and desolation.³

May all men remember that they are brethren! May they alike abhor that tyranny which seeks to subject the freedom of the will ...⁴

I disapprove of what you say, but I will defend to the death your right to say it.⁵

No. 40

BENJAMIN FRANKLIN
(1706 - 1790)

Freedom of speech is a principal pillar of a free government; when this support is taken away, the constitution of a free society is dissolved, and tyranny is erected on its ruins.⁶

¹ Ibid., p. 163.

² Ibid., p. 198.

³ The Works of Voltaire (Paris, New York, [etc.]: E. R. Du Mont, [1901]; 42 vols.), vol. IV, p. 153.

⁴ Ibid., p. 278.

⁵ Often attributed to Voltaire but now established as merely a paraphrase of a passage in Voltaire's Essay on Tolerance.

⁶ Editorial "On Freedom of Speech and of the Press", Pennsylvania Gazette, Nov. 10-17, 1737.

No. 41

SAMUEL JOHNSON
(1709-1784)

Every man has a right to utter what he thinks truth, and every other man has a right to knock him down for it.¹

No. 42

JEAN JACQUES ROUSSEAU
(1712-1778)

To renounce our liberty is to renounce our quality of man, and with it all the rights and duties of humanity. ... Such a renunciation is incompatible with man's nature; for to take away all freedom from his will is to take away all morality from his actions.²

If we ask precisely wherein consists the greatest good of all, which ought to be the aim of every system of legislation, we shall find that it is summed up in two objects, liberty and equality--liberty, because any individual dependence is so much force withdrawn from the body of the State; equality, because liberty cannot subsist without it.³

No. 43

EDMUND BURKE
(1729-1797)

The rights of men--that is to say, the natural rights of mankind--are indeed sacred things; and if any public measure is proved mischievously to affect them, the objection ought to be fatal to that measure ... If these natural rights are farther affirmed and declared by express covenants, if they are clearly defined and secured against chicane, against power and authority, by written instruments and positive engagements, they are in a still better condition ... Indeed, this formal recognition, by the sovereign power, of an original right in the subject,

¹James Boswell, The Life of Samuel Johnson (New York: Modern Library, [1931/]), p. 914.

²Jean Jacques Rousseau, The Social Contract, translated by Henry J. Tozer (London: George Allen and Unwin, [1924/]; 7th ed.), p. 105.

³Ibid., p. 145.

can never be subverted but by rooting up the radical principles of government, and even of society itself.¹

No. 44

GEORGE WASHINGTON
(1732-1799)

... happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection, should demean themselves as good citizens ...²

No. 45

PATRICK HENRY
(1736-1799)

Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid, Almighty God! I know not what course others may take; but as for me, give me liberty, or give me death!³

No. 46

THOMAS PAINE
(1739-1809)

Man did not enter into society to become worse than he was before, nor to have fewer rights than he had before, but to have those rights better secured. His natural rights are the foundation of all his civil rights. ... Natural rights are those which appertain to man in right of his existence. Of this kind are all

¹Speech on the East India Bill, delivered Dec. 1, 1783; The Works of ... Edmund Burke (London: John C. Nimmo, 1899; 12 vols.), vol. 2, p. 437.

²Letter written during his first administration, Aug. 17, 1790, to the Hebrew congregation of Newport, Rhode Island. John C. Fitzpatrick (editor), The Writings of George Washington from the Original Manuscript Sources, 1745-1799 ... (Washington: Government Printing Office, [1931-1944]; 39 vols.), vol. 31, p. 93.

³Speech to the Virginia House of Burgesses on Mar. 23, 1775; Ashley H. Thorndike (editor), Modern Eloquence, A Library of the World's Best Spoken Thought (New York: P. F. Collier and Son Corp. [1936]; 15 vols.), vol. XI, p. 4.

the intellectual rights, or rights of the mind, and also all those rights of acting as an individual for his own comfort and happiness, which are not injurious to the natural rights of others. Civil rights are those which appertain to man in right of his being a member of society.¹

No. 47

THOMAS JEFFERSON
(1743-1826)

The God who gave us life gave us liberty at the same time: the hand of force may destroy, but cannot disjoin them.²

The basis of our government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I would not hesitate a moment to prefer the latter. But I should mean that every man should receive those papers, and be capable of reading them.³

... a bill of rights is what the people are entitled to against every government on earth, general or particular; and what no just government should refuse, or rest on inference.⁴

Half a loaf is better than no bread. If we cannot secure all our rights, let us secure what we can.⁵

... I have sworn upon the altar of God, eternal hostility against every form of tyranny over the mind of man.⁶

... If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand

¹ William M. Van der Weyde (editor), The Life and Works of Thomas Paine (New Rochelle, N.Y.: Thomas Paine National Historical Association, 1925; 10 vols.), vol. VI, pp. 69-71.

² Jefferson's "Summary View of the Rights of British America", 1774, in Philip S. Foner (editor), Basic Writings of Thomas Jefferson (New York: Willey Book Company, [1944]), p. 19.

³ Letter to Col. Edward Carrington, Jan. 16, 1787; Andrew A. Lipscomb (editor), The Writings of Thomas Jefferson (Washington: Thomas Jefferson Memorial Association, 1903-1904; 20 vols.), vol. VI, pp. 57-58.

⁴ Letter to James Madison, Dec. 20, 1787; ibid., pp. 388-389.

⁵ Letter to James Madison, March 15, 1789; ibid., vol. VII, p. 311.

⁶ Letter to Dr. Benjamin Rush, Sept. 23, 1800; ibid., vol. X, p. 175.

undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it ...¹

... Equal and exact justice to all men, ... freedom of religion; freedom of the press; freedom of persons under the protection of the habeas corpus; and trial by juries impartially selected - these principles form the bright constellation which has gone before us ...²

It is an insult to our citizens to question whether they are rational beings or not, and blasphemy against religion to suppose it cannot stand the test of truth and reason. ... for God's sake, let us freely hear both sides, if we must choose.³

Where the press is free, and every man able to read, all is safe.⁴

Nothing then is unchangeable but the inherent and unalienable rights of man.⁵

No. 48

ANDREW JACKSON
(1767-1845)

... In the full enjoyment of the gifts of Heaven and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by law; but when the laws undertake to add to these natural and just advantages artificial distinctions, to grant titles, gratuities, and exclusive privileges, to make the rich richer and the potent more powerful, the humble members of society--the farmers, mechanics, and laborers--who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their Government. There are no necessary evils in government. ... If it would confine itself to equal protection,

¹First Inaugural Address, Mar. 4, 1801; ibid., vol. III, p. 319.

²Same address; ibid., pp. 321-322.

³Letter to Nicholas G. DuFief, Apr. 19, 1814; ibid., vol. XIV, p. 127.

⁴Letter to Col. Charles Yancey, Jan. 6, 1816; ibid., p. 384.

⁵Letter to Major John Cartwright, June 5, 1824; ibid., vol. XVI, p. 48.

and, as Heaven does its rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing.¹

No. 49

JOHN QUINCY ADAMS
(1767-1848)

Justice, as defined in the Institutes of Justinian, nearly 2000 years ago, and as it is felt and understood by all who understand human relations and human rights, is--

"Constans et perpetua voluntas, jus suum cuique tribuendi."

"The constant and perpetual will to secure to every one HIS OWN right."²

No. 50

RALPH WALDO EMERSON
(1803-1882)

We want a state of things ... which allows every man the largest liberty compatible with the liberty of every other man.³

The genius of the country [America] has marked out our true policy,--opportunity. Opportunity of civil rights, of education, ... doors wide open ... to every nation, to every race and skin, white men, red men, yellow men, black men; hospitality of fair field and equal laws to all. Let them compete and success to the strongest, the wisest, and the best.⁴

¹Message to the Senate, July 10, 1832, vetoing a bill to establish a Bank of the United States; James D. Richardson (editor), A Compilation of the Messages and Papers of the Presidents of the United States, 1789-1897 (Washington: Government Printing Office, 1898; 10 vols.), vol. II, p. 590.

²Argument of John Quincy Adams Before the Supreme Court of the United States in the Case of the United States Appellants vs. Cinque and Others, Africans, ... Delivered on the 24th of February and 1st of March 1841 ... (New York: S. W. Benedict, 1841), pp. 3-4.

³Ralph Waldo Emerson, Fortune of the Republic (Boston: Houghton, Osgood and Co., 1878), p. 40.

⁴Ibid., pp. 41-42.

The theory of politics which has possessed the minds of men, and which they have expressed the best they could in their laws and in their revolutions, considers persons and property as the two objects for whose protection government exists. Of persons, all have equal rights in virtue of being identical in nature.¹

No. 51

JOHN STUART MILL
(1806-1873)

... If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind.²

... the appropriate region of human liberty ... comprises, first, the inward domain of consciousness; demanding liberty of conscience ... liberty of thought and feeling; absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral, or theological. The liberty of expressing and publishing opinions ... being almost of as much importance as the liberty of thought. ... Secondly ... liberty of tastes and pursuits ... so long as what we do does not harm our fellow creatures ... Thirdly ... the liberty ... of combination among individuals ... No society in which these liberties are not, on the whole, respected, is free, whatever may be its form of government; ...³

No. 52

ABRAHAM LINCOLN
(1809-1865)

Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal. ... It is for us the living ... to be dedicated here to the unfinished work which they who have fought here have thus far so

¹The Best of Ralph Waldo Emerson (New York: Walter J. Black, published for the Classics Club, 1941), p. 253.

²John Stuart Mill, On Liberty (New York: Henry Holt and Co., 1873), p. 35.

³Ibid., pp. 23-28.

nobly advanced ... that this nation, under God, shall have a new birth of freedom - and that government of the people, by the people, for the people, shall not perish from the earth.¹

No. 53

ELIZABETH CADY STANTON
(1815-1902)

... the exercise of the suffrage is the primary school in which the citizen learns how to use the ballot as a weapon of defense; the ballot is the scepter of power in the hand of every citizen. Woman can never have an equal chance with man in the struggle of life until she too wields this power.²

No. 54

WALT WHITMAN
(1819-1892)

Each of us inevitable,

Each of us limitless - each of us with his or her
right upon the earth,

Each of us allow'd the eternal purports of the earth,

Each of us here as divinely as any is here.³

By God! I will accept nothing which all cannot have their counterpart of on the same terms.⁴

¹Address at the dedication of a soldiers' cemetery, Gettysburg, Pa., Nov. 19, 1863; Senate Document No. 439, 62d Congress, 2d Session (1912), p. 35.

²Paper on "Self-Government the Best Means of Self-Development" read to the Senate Committee on Woman Suffrage, Mar. 7, 1884. Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joselyn Gage (editors), History of Woman Suffrage (New York: Fowler and Wells, 1881-1922; 6 vols.), vol. 4, p. 41.

³The Complete Poetry and Prose of Walt Whitman, with an introduction by Malcolm Cowley (New York: Pellegrini and Cudahy, 1948; 2 vols.), vol. I, p. 156.

⁴Ibid., p. 82.

No. 55

OLIVER WENDELL HOLMES
(1841-1935)

... when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas--that the best test of truth is the power of thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out. ... I think we should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe fraught with death, unless they so imminently threaten immediate interference with the lawful and pressing purposes of the law that an immediate check is required to save the country.¹

No. 56

SUSAN B. ANTHONY
(1820-1906)

... The principle of self-government can not be violated with impunity. The individual's right to it is sacred--regardless of class, caste, race, color, sex, or any other accident or incident of birth.²

¹Dissenting opinion, Justice Brandeis concurring, in the case of Abrams et al. v. United States (1919). Four men and a girl were sentenced to prison on the ground that by secretly printing and distributing leaflets in protest against the sending of American troops into Russia after the 1917 revolution they intended to provoke resistance to the United States in time of war. 250 U.S. 630.

²Address delivered in many of the large cities of the United States between 1870 and 1880. Ida Husted Harper, The Life and Work of Susan B. Anthony ... (Indianapolis and Kansas City: The Bowen-Merrill Company, 1898-1908; 3 vols.), vol. II, appendix, p. 1001.

No. 57

WILLIAM MCKINLEY
(1843-1901)

In all the forms of government and administrative provisions which they are authorized to prescribe, the commission¹ should bear in mind that the government which they are establishing is designed not for our satisfaction or for the expression of our theoretical views, but for the happiness, peace and prosperity of the people of the Philippine Islands, and the measures adopted should be made to conform to their customs, their habits, and even their prejudices, to the fullest extent consistent with the accomplishment of the indispensable requisites of just and effective government. ... Upon every division and branch of the government of the Philippines, therefore, must be imposed these inviolable rules; That no person shall be deprived of life, liberty or property without due process of law; that private property shall not be taken for public use without just compensation; that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence; that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted; that no person shall be put twice in jeopardy for the same offence, or be compelled in any criminal case to be a witness against himself; that the right to be secure against unreasonable searches and seizures shall not be violated; that neither slavery nor involuntary servitude shall exist except as a punishment for crime; that no bill of attainder, or ex post facto law shall be passed; that no law shall be passed abridging the freedom of speech, or of the press, or the rights of the people to peaceably assemble and petition the government for a redress of grievances; that no law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed.²

No. 58

WOODROW WILSON
(1856-1924)

... the right is more precious than peace, and we shall fight for the things which we have always carried nearest our

¹The Philippine Commission, appointed on April 7, 1900 to perfect the work of organizing and establishing civil government in the Philippine Islands.

²Instructions of the President to the Philippine Commission, April 7, 1900 (Washington: Government Printing Office, 1900), p.6.

hearts, - for democracy, for the right of those who submit to authority to have a voice in their own Governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free. To such a task we can dedicate our lives and our fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to spend her blood and her might for the principles that gave her birth and happiness and the peace which she has treasured. God helping her, she can do no other.¹

No. 59

THEODORE ROOSEVELT
(1858-1919)

There must be equal rights for all, and special privileges for none ...²

I believe in property rights, but I believe in them as adjuncts to, and not as substitutes for human rights. I believe that normally the rights of property coincide with the rights of man: but where they do not, then the rights of man must be put above the rights of property.³

We stand against all tyranny, by the few or by the many. We stand for the rule of the many in the interest of all of us.⁴

We must all strive to keep as our most precious heritage the liberty each to worship his God as to him seems best ...⁵

There must be absolute religious liberty, for tyranny and intolerance are as abhorrent in matters intellectual and spiritual, as in matters political and material.⁶

¹ War message to Congress, Apr. 2, 1917; Congressional Record, vol. 55, part 1, p. 104.

² Albert Bushnell Hart and Herbert Ronald Ferleger (editors), Theodore Roosevelt Cyclopedia (New York: Roosevelt Memorial Association, [1941/]), p. 532.

³ Ibid.

⁴ Ibid., p. 137.

⁵ Ibid., p. 518.

⁶ Ibid.

Ours is a government of liberty, by, through, and under the law. No man is above it, and no man is below it.¹

No. 60

NICHOLAS MURRAY BUTLER
(1862-1947)

The Four Freedoms which the Bill of Rights assures and defends are those of religion, of speech, of the press, and of assembly. These four forms of freedom are in effect but four different aspects of one and the same form of freedom. ... They name and define the fundamental rights which free men reserve to themselves as individuals when they set up an organized form of government ...²

No. 61

FRANKLIN D. ROOSEVELT
(1882-1945)

There is a mysterious cycle in human events. To some generations much is given. Of other generations much is expected. This generation of Americans has a rendezvous with destiny. In this world of ours in other lands, there are some people, who, in times past, have lived and fought for freedom, and seem to have grown too weary to carry on the fight. ... only our success can stir their ancient hope.³

... it is the part of ... America to stand for the freedom of the human mind and to carry the torch of truth. ... Liberty is in the air Americans breathe. Our Government is based on the belief that a people can be both strong and free, that civilized men need no restraint but that imposed by themselves against abuse of freedom.⁴

¹ Ibid., p. 167.

² Nicholas Murray Butler, "The Four Freedoms" (written to illuminate the themes of the New York World's Fair), International Conciliation, May 1939, p. 284.

³ June 27, 1936; Samuel I. Rosenman (editor), The Public Papers and Addresses of Franklin D. Roosevelt (New York: Random House, 1938-), vol. 5, pp. 235-236.

⁴ Sept. 18, 1936; ibid., pp. 363-364.

Democracy, the practice of self-government, is a covenant among free men to respect the rights and liberties of their fellows.¹

It is our pride that in our country men are free to differ with each other and with their Government and to follow their own thoughts and to express them. We believe that the only whole man is the free man.²

Freedom means the supremacy of human rights everywhere. Our support goes to those who struggle to gain those rights and keep them.³

In the future days, which we seek to make secure, we look forward to a world founded upon four essential human freedoms.

The first is freedom of speech and expression - everywhere in the world.

The second is freedom of every person to worship God in his own way - everywhere in the world.

The third is freedom from want, which, translated into world terms, means economic understandings which will secure to every nation a healthy peacetime life for its inhabitants - everywhere in the world.

The fourth is freedom from fear, which, translated into world terms, means a world-wide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor - anywhere in the world.⁴

No. 62

MRS. FRANKLIN D. ROOSEVELT
(1884-)

We must not be confused about what freedom is; basic human rights are simple and easily understood: freedom of speech and a free press; freedom of religion and worship; freedom of assembly and the right of petition; the right of men to be secure in their

¹Jan. 4, 1939; ibid., vol. 8, p. 1.

²Sept. 21, 1940; ibid., vol. 9, p. 374.

³Jan. 6, 1941; ibid., p. 672.

⁴Same address; ibid.

homes and free from unreasonable search and seizure and from arbitrary arrest and punishment. We must not be deluded by the efforts of the forces of reaction to prostitute the great words of our free tradition and thereby to confuse the struggle. Democracy, freedom, human rights have come to have a definite meaning to the people of the world which we must not allow any nation to so change that they are made synonymous with suppression and dictatorship.¹

No. 63

HARRY S. TRUMAN
(1884-)

We believe that all men are created equal and that they have the right to equal justice under the law.

We believe that all men have the right to freedom of thought and of expression and the right to worship as they please.

We believe that all men are entitled to equal opportunities for jobs, for homes, for good health and for education.

We believe that all men should have a voice in their Government and that Government should protect, not usurp, the rights of the people.

These are the basic civil rights which are the source and support of our democracy.²

WHEREAS, near the end of the tragic conflict between the Northern and Southern States, the Congress adopted a joint resolution proposing an amendment to the Constitution which would outlaw slavery in the United States and in every place subject to its jurisdiction; and

WHEREAS the resolution was signed by President Lincoln on February 1, 1865, and thereafter led to the adoption of the Thirteenth Amendment to the Constitution; and

WHEREAS that Amendment is a corner stone in the foundation of our American traditions, and the signing of the resolution is a landmark in the Nation's effort to fulfill the principles of freedom and justice proclaimed in the first ten amendments to the Constitution; and

¹Speech of Sept. 28, 1948, at the Sorbonne, Paris; Department of State Bulletin, Oct. 10, 1948, pp. 457-458.

²Message of Feb. 2, 1948 to Congress; Congressional Record, vol. 94, part 1, p. 927.

WHEREAS, by a joint resolution approved June 30, 1948 (62 Stat. 1150), the Congress authorized the President to proclaim the first day of February of each year as National Freedom Day in commemoration of the signing of the resolution of February 1, 1865; and

WHEREAS the Government and people of the United States wholeheartedly support the Universal Declaration of Human Rights approved by the General Assembly of the United Nations on December 10, 1948, which declares that 'recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world':

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate February 1, 1949, and each succeeding February 1, as National Freedom Day; and I call upon the people of the United States to pause on that day in solemn contemplation of the glorious blessings of freedom which we humbly and thankfully enjoy.¹

No. 64

DWIGHT D. EISENHOWER
(1890-)

... The simple faith, the unshakable conviction they [our colonial forebears] held in man's individual rights and his equality before the law and God, is the most priceless jewel in all the vast spiritual and material heritage these men and women bequeathed to us. We cannot afford to lose their sharp sense of basic values--expressed by Patrick Henry in one imperishable sentence.²

No. 65

WENDELL L. WILLKIE
(1892-1944)

... The only soil in which liberty can grow is that of a united people. We must have faith that the welfare of the one is the welfare of all. We must know that the truth can only be

¹Proclamation of Jan. 25, 1949; Federal Register, Jan. 27, 1949, p. 361.

²Commencement address of June 1, 1949 at Columbia University; New York Times, June 2, 1949, p. 24.

reached by the expression of our free opinions, without fear and without rancor. We must acknowledge that all are equal before God and before the law. And we must learn to abhor disruptive pressures whether religious, political, or economic that the enemies of liberty employ.¹

¹Speech accepting the Presidential nomination, Aug. 17, 1940. Congressional Record, vol., 86, part 17, appendix, p. 5064.

Part III
DEVELOPMENTS IN
THE UNITED NATIONS

D O C U M E N T S

No. 66

DECLARATION BY UNITED NATIONS, 1942

The Governments signatory hereto, ...

Being convinced that complete victory over their enemies is essential to defend life, liberty, independence and religious freedom, and to preserve human rights and justice in their own lands as well as in other lands, ... [pledge to wage war against the Axis to the end].¹

No. 67

DUMBARTON OAKS PROPOSALS, 1944

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations, the Organization should facilitate solutions of international economic, social, and other humanitarian problems and promote respect for human rights and fundamental freedoms.²

No. 68.

CHARTER OF THE UNITED NATIONS, 1945

We the peoples of the United Nations determined ...

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women ...

have resolved to combine our efforts to accomplish these aims. ...

Article 1. The purposes of the United Nations are: ...

¹Department of State Bulletin, Jan. 3, 1942, p. 3.

²Section A of chapter 14 of the draft charter for a general international organization, agreed upon at Dumbarton Oaks in Washington, D.C., in the fall of 1944 by representatives of the United States, the United Kingdom, the Soviet Union, and China; Department of State Bulletin, Oct. 8, 1944, p. 372.

3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion ...

Article 13. The General Assembly shall initiate studies and make recommendations for the purpose of: ...

b. promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. ...

Article 55. With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote: ...

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56. All members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55. ...

Article 62. The Economic and Social Council ... may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all. ...

Article 68. The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, ...

Article 76. The basic objectives of the trusteeship system ... shall be: ...

c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion. ...¹

¹Charter of the United Nations (Department of State publication 2353; 1947).

S T A T E M E N T S

No. 69

HARRY S. TRUMAN, 1945

Under this document [the Charter] we have good reason to expect the framing of an international bill of rights, acceptable to all the nations involved. That bill of rights will be as much a part of international life as our own Bill of Rights is a part of our Constitution. The Charter is dedicated to the achievement and observance of human rights and fundamental freedoms. Unless we can attain those objectives for all men and women everywhere - without regard to race, language or religion - we cannot have permanent peace and security.¹

No. 70

WILLIAM BENTON, 1948

Freedom of expression is unique among the liberties ... for it protects and promotes the other freedoms that create a free society of happy men. ... in seeking freedom of information ... we are operating at the very heart of the problem of the dignity of man and of peace among nations. ...

The policy of the United States today is to help build a world in which man's mind can be free, the kind of world in which man can walk upright and unafraid in the image of God. For this reason we from the United States are vitally concerned with freedom of information. It is the bedrock foundation of man's freedom on this earth. ... The United States thus holds that freedom of expression is the moral right of all men. ...

Freedom to call a spade a spade, freedom to call expansion and aggression by their proper names, these are not causes of war. On the contrary they operate to discourage war. They can marshal the opinion of the people of the world so that the potential aggressor nation may be brought to its senses.²

¹Address at the closing plenary session of the San Francisco Conference, June 25, 1945; Department of State Bulletin, July 1, 1945, p. 5.

²Address of Mar. 25, 1948, delivered by Mr. Benton at the U.N. Conference on Freedom of Information, Geneva; Department of State press release 231, Mar. 25, 1948. Mr. Benton was Assistant Secretary of State and Chairman of the American Delegation to the Conference.

No. 71

WILLARD L. THORP, 1948

We are convinced that without access to unfettered news, the people in any country cannot carry out their democratic functions as an informed body of citizens. We are convinced that without a free flow of information between countries, the development of stable international understanding is impossible.

We are not afraid of so-called false and slanderous information which may at any time find its way into the columns of a free press. We are not afraid of it because we believe in the dignity, capacity and worth of man. We believe in his judgment and innate intelligence and we are certain that we can trust in his judgment based upon information and opinion of all kinds freely presented, and freely received.

This is the fundamental protection of the true democracy, where every effort is made to reduce the power of the few, either in private or public life, and to rely to the fullest degree possible upon the broad judgment and participation by all the people.

By contrast, in nations where information is state-controlled and censorship rules, a few government officials have the power to lead their people down the road to misunderstanding and even war, between twin walls of contrived ignorance and distorted propaganda. The power of the state is such that there is no protection. Only the opinion of the few and facts selected by the few are presented to the people. The essence of the centralized approach to information is not freedom, but control.¹

No. 72

GEORGE C. MARSHALL, 1948

It is entirely fitting that this General Assembly, meeting in France, which fired the hearts of men with the Declaration of the Rights of Man in 1789, should consider in 1948 the approval of a new declaration of human rights for free men in a free world. Not only is it appropriate that we should have reaffirmed our respect for the human rights and fundamental freedoms but that we should renew our determination to develop and protect those rights and freedoms.

¹ Statement of Aug. 27, 1948 before the U.N. Economic and Social Council; U.S. Mission to the United Nations, press release 515, Sept. 8, 1948. Mr. Thorp is Assistant Secretary of State and U.S. Representative in the Economic and Social Council.

Freedom of thought, conscience, and religion; freedom of opinion and expression; freedom from arbitrary arrest and detention; the right of a people to choose their own government, to take part in its work, and, if they become dissatisfied with it, to change it; the obligation of government to act through law - these are some of the elements that combine to give dignity and worth to the individual. ...

Systematic and deliberate denials of basic human rights lie at the root of most of our troubles and threaten the work of the United Nations. ...

The maintenance of these rights and freedoms depends upon adherence to the abiding principles of justice and morality embodied in the rule of law. It will, therefore, always be true that those Members of the United Nations which strive with sincerity or purpose to live by the Charter and to conform to the principles of justice and law proclaimed by it will be those states which are genuinely dedicated to the preservation of the dignity and integrity of the individual.¹

No. 73

JOHN FOSTER DULLES, 1948

I hope and believe this Assembly will endorse this Declaration [of Human Rights]. But we must not stop there. We must go on with the drafting of a Covenant which will seek to translate human rights into law. It does not minimize the importance of our own Declaration of Independence to recognize that the Constitution and its Bill of Rights were required to establish the body of law necessary to achieve practical results. So with the Declaration before the Assembly. It is an important proclamation of principles and should be approved. But that approval is only a step toward fulfilling the faith in fundamental human rights, in the dignity and worth of the human person, and the pledge to practice tolerance that is contained in the Preamble of the United Nations Charter.²

¹Statement by Secretary of State Marshall before the U.N. General Assembly, Sept. 23, 1948; Department of State Bulletin, Oct. 3, 1948, p. 432.

²Address by Mr. Dulles at the Paris House of the Carnegie Endowment for International Peace, Sept. 29, 1948; International Conciliation, Nov. 1948, pp. 584-585. Mr. Dulles was a U.S. Delegate to the 1948 session of the General Assembly.

No. 74

MRS. FRANKLIN D. ROOSEVELT, 1948

The long and meticulous study and debate of which this universal Declaration of Human Rights is the product means that it reflects the composite views of the many men and governments who have contributed to its formulation. Not every man nor every government can have what he wants in a document of this kind. There are of course particular provisions in the declaration before us with which we are not fully satisfied. I have no doubt that is true of other delegations, but taken as a whole the Delegation of the United States believes that this is a good document--even a great document--and we propose to give it our full support. The position of the United States on the various parts of the declaration is a matter of record. ...

Certain provisions of the declaration are stated in such broad terms as to be acceptable only because of the limitations in article 29 providing for limitation on the exercise of the rights for the purpose of meeting the requirements of morality, public order, and the general welfare. An example of this is the provision that everyone has the right of equal access to the public service in his country. The basic principle of equality and of nondiscrimination as to public employment is sound, but it cannot be accepted without limitations. My Government, for example, would consider that this is unquestionably subject to limitation in the interest of public order and the general welfare. It would not consider that the exclusion from public employment of persons holding subversive political beliefs and not loyal to the basic principles and practices of the constitution and laws of the country would in any way infringe upon this right.

Likewise, my Government has made it clear in the course of the development of the declaration that it does not consider that the economic and social and cultural rights stated in the declaration imply an obligation on governments to assure the enjoyment of these rights by direct governmental action. ...

In giving our approval to the declaration today, it is of primary importance that we keep clearly in mind the basic character of the document. It is not a treaty; it is not an international agreement. It is not and does not purport to be a statement of law or of legal obligation. It is a declaration of basic principles of human rights and freedoms, to be stamped with the approval of the General Assembly by formal vote of its members, and to serve as a common standard of achievement for all peoples of all nations.

We stand today at the threshold of a great event both in the life of the United Nations and in the life of mankind, that is the approval by the General Assembly of the Universal Declaration of Human Rights recommended by the Third Committee. This declaration may well become the international Magna Carta of all men

everywhere. We hope its proclamation by the General Assembly will be an event comparable to the proclamation of the Declaration of the Rights of Man by the French people in 1789, the adoption of the Bill of Rights by the people of the United States, and the adoption of comparable declarations at different times in other countries.

At a time when there are so many issues on which we find it difficult to reach a common basis of agreement, it is a significant fact that 58 states have found such a large measure of agreement in the complex field of human rights. This must be taken as testimony of our common aspiration first voiced in the Charter of the United Nations to lift men everywhere to a higher standard of life and to a greater enjoyment of freedom.¹

No. 75

GEORGE V. ALLEN, 1948

... we mean by democracy that body of concepts of human liberty and respect for the dignity of the individual personality which the word has always meant to us. ...

Human beings everywhere must enjoy the basic rights of free speech. ... Ideas must gain acceptance in the free competition of the market place and not from the dictates of a governmental bureaucracy. ...

We are prepared, under democracy, to tolerate every idea except intolerance.²

No. 76

BENJAMIN V. COHEN, 1949

It will require a great deal of time and concerted effort to establish adequate minimum standards of respect for human rights

¹ Statement by Mrs. Roosevelt before the U.N. General Assembly, Dec. 9, 1948; Department of State Bulletin, Dec. 19, 1948, pp. 751-752. Mrs. Roosevelt was a U.S. Delegate to the General Assembly.

² Statement by Mr. Allen before the General Conference of the U.N. Educational, Scientific and Cultural Organization (UNESCO), Nov. 19, 1948; Department of the State press release 923, Nov. 19, 1948. Mr. Allen, Assistant Secretary of State, was Chairman of the U.S. Delegation to the Conference.

and freedoms everywhere in the world as envisaged in the Charter. The General Assembly rightly took as its first step the working out of a general Declaration of Human Rights so that we may have some standards with which to start. In all our countries, including my own, much remains to be done, and none of us can afford to assume a self-righteous attitude. But if we are serious in our quest for peace, we cannot fail to do our part and make every effort towards promoting minimum standards of human rights. ...

I think that we are all in agreement that, in the light of our pledges in the Charter, the functions of the state should be of a character to promote and not to destroy human rights and fundamental freedoms. ... No state has the sovereign right claimed by Hitler's Third Reich to declare war on freedom and religion. State sovereignty does not mean state tyranny. In fields of thought and religion where men cannot agree, freedom is the only alternative to tyranny.

Unless a state allows freedom for the peaceful expression of ideas, the road toward peaceful change and progress is blocked. Unrestrained political power, no less than unrestrained economic power, has a corroding effect upon those who exercise it. This is particularly true when the wielders of power deny themselves the benefit of any views not meekly submissive and subservient to their will and caprice. Power which is unwilling to combat error with reason is not likely itself to be guided by reason. No state need fear the errors of dissenting opinion and nonconforming thought where reason is free to combat them. It is uneasy privilege, not confident progress, which prefers the arbitrament of force to the test of reason. Suppression of nonconforming opinion has always characterized the police state which fears the freedom of its own citizens. Tolerance of dissent is the most certain sign of a free state which cherishes and does not fear the freedoms of its citizens and uses force only to protect and not to suppress that freedom.¹

No. 77

DURWARD V. SANDIFER, 1949

... there is much more in the United Nations system for the development and protection of human rights than a Declaration and a prospective Covenant, important as they are. There is authority for political action by the Security Council and the General Assembly. Action to maintain the political independence and free institutions of Members of the United Nations is an essential bulwark for the maintenance of human rights. There is authority in

¹ Statement by Mr. Cohen before the Ad Hoc Political Committee of the U.N. General Assembly, Apr. 18, 1949; Department of State Bulletin, May 1, 1949. Mr. Cohen was a U.S. Delegate to the General Assembly.

the General Assembly and the Economic and Social Council for the making of studies and recommendations. The Genocide Convention and the Freedom of Information Conventions are a product of such action. Other subjects such as nationality, slavery, forced labor, freedom of association, and the protection of minorities are under study. There is authority in the Trusteeship Council to develop and protect human rights in trust territories and in dependent territories generally. There are the International Law Commission and the International Court of Justice for the development, interpretation, and application of International Law. True, their jurisdiction is largely voluntary, but they are available for action as the international community grows into the realization of human rights through international action.

I have sought ... to set the subject of international protection of human rights in some historical perspective. What we see is a pattern of evolution from wholly local protection through the international protection of aliens to a developing system of international protection without regard to nationality. This system is based upon a growing realization on the international as on the national scale that peace and order and stability can only be securely based on communities in which the dignity and worth of the human person are respected and fundamental human rights are guaranteed.¹

No. 78

ADRIAN S. FISHER, 1949

We must remember also that in the English-speaking countries the struggle for freedom has been going on for over 700 years. Freedom was not presented to us or assured by anybody; it has been purchased and maintained by the lives and the suffering of fighters for liberty from the Middle Ages to the present time. It cannot be bestowed on anybody by the mere signing of a document -- particularly on peoples who have never known what it is to be free. We should have no illusions that any document we sign, or that any legal steps we take, will have an immediate and automatic effect in assisting peoples behind the Iron Curtain to achieve human rights comparable to those existing in other countries. But even though the task is difficult, it is one which can and must be attempted. Every advance of human rights ... every attempt by free peoples of the world to recognize, improve, and proclaim the traditions which make men free bring nearer the inevitable day when other peoples will demand and obtain these freedoms. The conscience of mankind and the efforts of the free peoples of the world to establish an international rule of law must go hand-in-hand. The goal may not be

¹Address of Apr. 29, 1949 by Durward V. Sandifer, Acting Director of the Office of United Nations Affairs, Department of State, before the American Society of International Law, Washington, D.C.

achieved in our lifetime. Nevertheless we owe it to ourselves, to our children, and our children's children to bend every effort to this end.¹

No. 79

PHILIP C. JESSUP, 1949

... in ratifying the Charter of the United Nations we have pledged ourselves to cooperate in promoting "universal respect for and observance of human rights and fundamental freedoms." In 1945 we were free to choose. We could have chosen to go on down the isolationist path. Thank God we chose instead the upward path of cooperation.

That choice has in a new sense set us free. We are now free to act internationally upon our deep convictions that the welfare of the individual is something we care about not just when that individual is an American citizen but because he is a human being.

The law of the international society is catching up with the conscience of mankind. Four and five decades ago when American hearts were wrung and American sympathies went out to persecuted minorities in other lands, our Government was hampered by the restrictive rules of the era. Jurists strove to grapple with the human problem and sought to develop the doctrine of humanitarian intervention. That doctrine failed to prosper not because it was humanitarian but because it was unilateral and unilateralism contained the germs of its own fatal malady.

It is not a new thing in American history that we care and care deeply what happens to human beings throughout the world. What is new is our acceptance, along with that of the great majority of other members of the family of nations, of the principles which give us a legal as well as a moral interest in human happiness.²

¹ Address by Adrian S. Fisher, Legal Adviser of the Department of State, before the California State Bar Association at San Francisco, California, Sept. 2, 1949.

² Speech of Sept. 6, 1949, delivered by Philip C. Jessup, United States Ambassador at Large, before the Section on International and Comparative Law and the Junior Bar Conference of the 72d annual meeting of the American Bar Association in St. Louis, Missouri.

No. 80

HARRY S. TRUMAN, 1949

The Charter [of the United Nations] plainly makes respect for human rights by nations a matter of international concern. The member nations have learned from bitter experience that regard for human rights is indispensable to political, economic and social progress. They have learned that disregard of human rights is the beginning of tyranny and, too often, the beginning of war.

For these reasons, the United Nations has devoted much of its time to fostering respect for human rights. The General Assembly has adopted the Universal Declaration of Human Rights and the Convention on Genocide. Other important measures in this field are under study.

I am confident that this great work will go steadily forward. The preparation of a Covenant on Human Rights by the Human Rights Commission is a task with which the United States is deeply concerned. We believe strongly that the attainment of basic civil and political rights for men and women everywhere -- without regard to race, language or religion -- is essential to the peace we are seeking. We hope that the Covenant on Human Rights will contain effective provisions regarding freedom of information. The minds of men must be free from artificial and arbitrary restraints, in order that they may seek the truth and apply their intelligence to the making of a better world.¹

U N I V E R S A L D E C L A R A T I O N

No. 81

UNIVERSAL DECLARATION OF HUMAN RIGHTS, 1948

WHEREAS recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

WHEREAS disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

¹ Address delivered Oct. 24, 1949 at the laying of the cornerstone of the Secretariat Building of the permanent United Nations Headquarters in New York.

WHEREAS it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

WHEREAS it is essential to promote the development of friendly relations between nations,

WHEREAS the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

WHEREAS Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

WHEREAS a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now therefore

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and the security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence under national or international law, at the time when it was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each state.

2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and

in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the Government of his country; directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration insuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.¹

¹Approved by the U.N. General Assembly Dec. 10, 1948 by a vote of 48 to 0. Eight countries abstained--the U.S.S.R., the Ukraine, Byelorussia, Poland, Czechoslovakia, Yugoslavia, Saudi Arabia, and the Union of South Africa. Universal Declaration of Human Rights (Department of State publication 3381; 1949).

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